



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

February 10, 1939

Hon. L.L. Roberts, County Auditor  
Hutchinson County  
Stinnett, Texas

Dear Sir:

Opinion No. 0-130

Re: Whether trustees may purchase band uniforms with money drawn from their local funds for another school district since their children are attending the latter district.

Your letter of January 16, 1939 has been received and referred to the writer for attention and reply.

You wish to be advised whether the Lackey School Trustees may legally purchase band uniforms with money drawn from local funds, for the Spearman school band, since all the Lackey children are attending the Spearman school.

While you did not so state, for the purpose of this opinion, we assume the Lackey children are attending the Spearman school under the authority of Article 2699, H.C.S., 1925. Part of that statute reads as follows:

" \* \* \* and provided further that all the children residing in a school district may be transferred to another district, or to an independent district,

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upon such terms as may be agreed upon by the trustees of said districts interested."

Article 2827, R.C.S., reads, in part, as follows:

"The public free school funds shall not be expended except for the following purposes:

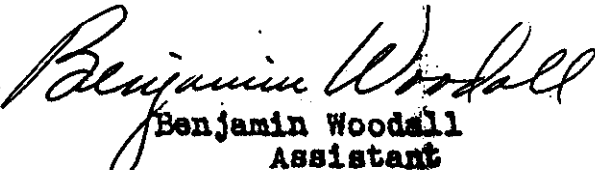
\* \* \*

"2. Local school funds from district taxes, tuition fees of pupils not entitled to free tuition and other local sources may be used for the purposes enumerated for State and county funds \* \* \* and for other purposes necessary in the conduct of the public schools to be determined by the Board of Trustees, etc."

Therefore, if in the opinion of the Board of Trustees, the purchase of the band uniforms is deemed necessary to the conduct of the public schools and is so determined by the Board of Trustees, it appears that local tax funds may be expended for such purposes under Article 2827, cited above.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By   
Benjamin Woodall  
Assistant

EW:ob

APPROVED:

  
ATTORNEY GENERAL OF TEXAS